

Legal Construction for the Establishment of Sharia Economic Special Courts in Religious Courts in Indonesia

Saut Maruli Tua Manik

Universitas Muhammadiyah (UMRI) Riau, Indonesia

sautmarulituamanik@umri.ac.id

Abstract

The urgency of establishing a special sharia economic court within the Religious Courts is due to the dualism of sharia economic dispute settlement institutions that still continues due to the harmonization of laws and regulations related to sharia economics has not been carried out. The purpose of this study is to analyze the legal construction of the establishment of a special sharia economic court in the religious courts in Indonesia, and the important factors in the establishment of a special sharia economic court in the religious courts in Indonesia. The normative method is used in research with a normative juridical approach. The results of the study are the legal construction of the establishment of a special sharia economic court placed within the Religious Courts and culminating in the Supreme Court of the Republic of Indonesia. The establishment of a special sharia economic court is constitutionally based on Article 24 paragraph (2) of the 1945 Constitution, the provisions of Article 1 paragraph 8 and Article 27 paragraph (1), paragraph (2) of Law Number 48 of 2009 concerning Judicial Power and Article 3A of the Law Number 3 of 2006, affirmed Article 3A paragraphs (1), (3) and 13B paragraph (1) of Law Number 50 of 2009 concerning the Second Amendment to Law Number 7 of 1989 as the legal basis.

Keywords

establishment; special court; sharia economic dispute



I. Introduction

The state of Indonesia is a state of law, so the existence of the judiciary is very important because it functions as the last bastion of law enforcement in the state (the 1945 Constitution of the Republic of Indonesia). Therefore, in the Indonesian constitution as stated in the 1945 Constitution of the Republic of Indonesia in Article 24 paragraph (2) it is stated that judicial power is exercised by a Supreme Court and judicial bodies under it in the General Court, Religious Courts environment, Military Court, State Administrative Court, and by a Constitutional Court.

The Religious Courts are one of the actors of judicial power for the people who seek justice who are Muslim regarding certain cases (Ali, 2012). Religious Courts are increasingly gaining a place and are considered by many as the most historic momentum for the development of the Religious Courts in expanding their authority over sharia economic cases, marked by the birth of Law Number 3 of 2006 concerning amendments to Law Number 7 of 1989 concerning Religious Courts (Arifin, 2008). Thus, the authority to examine, decide, and resolve sharia economic disputes is the absolute authority of courts within the Religious

Courts which cannot be resolved by other courts because it would violate the principle of absolute jurisdiction. However, before this competition is carried out properly, the Government in Law Number 21 of 2008 concerning Sharia Banking, has provided an opportunity to choose the path of resolving sharia economic disputes through deliberation, banking mediation, arbitration institutions, or through courts within the General Courts as long as it is agreed upon in the General Court. in the contract by the parties. This provision is believed by some to be an inappropriate mechanism for economic development and sharia banking in the country and also unfair to the Religious Courts because it has revoked its absolute authority as mandated by Law Number 3 of 2006.

The dualism of sharia economic dispute resolution between the Religious Courts and the District Courts has been decided by the Constitutional Court Number 93/PUU-X/2012 to strengthen the Religious Courts as the Courts authorized to accept, examine, and decide on sharia economic disputes, but in reality, the dualism of sharia economic dispute resolution is still ongoing. The dualism of sharia economic dispute resolution institutions is due to the incompatibility of laws and regulations related to sharia economics and sharia economic actors utilize these laws and regulations by preferring sharia economic dispute resolution to BPSK, choosing non sharia arbitration institutions whose execution and cancellation to the District Court even in the contract to authorize the District Court to examine, hear and resolve sharia economic disputes.

Legal uncertainty in the settlement of sharia economic disputes continues, without improvement it will have an impact on the distrust of sharia economic actors towards the Religious Courts institutions which are currently given the mandate as the authorized institution to resolve them. The settlement of Sharia economic disputes in the Religious Courts even today makes sharia economic actors, especially from sharia banking feel uncomfortable sitting in the waiting room and courtroom, similar to cases of divorce, polygamy, inheritance disputes plus distrust of the Religious Courts in examining, deciding and resolving economic disputes. sharia (Results of interviews with customers of Bank Syariah Mandiri and Bank Muamalat). Therefore, according to the author, we need a special sharia economic court within the Religious Courts that is able to bring in the trust of sharia economic actors, has the ability and the procedural law is fast, simple and inexpensive. The following describes the legal construction of the establishment of a special sharia economic court within the Religious Courts.

The importance of establishing a special sharia economic court within the Religious Courts is also based on the data obtained that the number of cases in the Religious Courts is more than the number of existing judges. Almost 80% (eighty percent) of family law cases go to the Religious Courts compared to other cases. The number of family law cases to the Religious Courts certainly requires the attention of the Religious Courts so that there are no decisions that harm the community. Settlement of sharia economic disputes also requires special handling considering that sharia economics has a very broad subject that affects many fields, such as sharia contracts, sharia insurance, sharia investment, sharia reinsurance, sharia pawnshops, sharia securities, sharia bonds, other sharia businesses (Manan, 2012).

The importance of special sharia economic courts within the Religious Courts in the context of dealing with the Asean Economic Community (MEA). Sharia economy has potential benefits that can be developed in supporting the acceleration and strengthening of national economic resilience (Djumhana, 1999). Investment in the economic field, both conventional and Islamic economics, is very likely to trigger economic disputes, so it is necessary to have a court that has competence in the field of Islamic economics with the principles of fast, simple and low-cost proceedings. The presence of a special sharia economic court within the Religious Courts is an option in low-cost and fast dispute

According to Haque (2021) The vast growing industry of Indonesia's sharia economic development could not be separated from the fact that 80 percent of Indonesia's population were Muslims. Zahara (2020) state that the vast growing industry of Indonesia's sharia economic development could not be separated from the fact that 80 percent of Indonesia's population were Muslims. Religious Courts as one of the implementation of judicial power has the main task of Receiving (Batubara, 2019). The presence of a special sharia economic court within the Religious Courts is an option in low-cost and fast dispute resolution. Taking into account the functions of the sharia economy above, it is necessary to prepare a sharia economic dispute resolution model that is considered capable of providing an advantage in the form of public confidence, namely institutional trust, without reducing the appreciation that has been carried out by the Supreme Court of the Republic of Indonesia for efforts to gain public trust from sharia economic actors who have It has been done for a long time, in fact it still creates distrust of sharia economic actors towards the Religious Courts. If the Religious Courts environment has the provision of competent human resources and is recognized by sharia economic stakeholders in Indonesia, it will open up opportunities to place Islamic banking in Indonesia as the largest retail Islamic bank in the world with the construction of the reason that Indonesia has the most sharia economic law specialist judges who are capable resolve Islamic banking cases. Based on the description above, it is necessary to conduct further research and studies regarding the legal construction of the establishment of a special sharia economic court within the Religious Courts in Indonesia.

In line with the problems that will be the focus of the study, the purpose of this study is to analyze the legal construction of the establishment of a special sharia economic court within the religious courts in Indonesia, and the important factors in the establishment of a special sharia economic court in the religious courts in Indonesia.

II. Research Methods

In accordance with the purpose of this study, the research method used is a normative legal research method (Mukti & Achmad, 2009). Normative legal research is carried out by researching or conducting searches on secondary data, or library materials including primary legal materials, secondary legal materials and tertiary legal materials (Soekanto & Mamudji, 1985). This normative legal research is carried out by reviewing the legal inventory, discovering legal principles, and comparative law (Soemitro, 1990).

The approach in this study is to use a normative juridical approach and an empirical juridical approach. The normative juridical approach is carried out to examine the legal rules related to the problems that are the focus of this research. Activities carried out in a normative juridical approach include:

1. Statute approach. In this legal research, because it is related to the settlement of sharia economic disputes and to analyze the establishment of a special sharia economic court within the Religious Courts from the legal and statutory aspects, especially those that regulate, position, institutional, authority as referred to in Law Number 48 of 2009 regarding Judicial Power.
2. Legal history, to examine the development of positive law due to knowing the background of changes in the Law on Religious Courts, the content and direction and goals of development, with all the changes from time to time, it can be found the phenomenon that occurs behind the expansion of authority in the form of settlement of economic disputes. sharia and the possibility of forming a special court (Mukhti & Achmad, 2009).

The empirical juridical approach is law as a symptom of society, as a social institution or pattern of behavior. This approach is known as empirical legal research or sociological legal research (Soemitro, 1990). Activities carried out in an empirical juridical approach were obtained from the Supreme Court of the Republic of Indonesia, Directorate General of the Religious Courts, South Jakarta Religious Courts, Medan Religious Courts, Pekanbaru City Religious Courts. Mandiri Syariah Bank in Pekanbaru City, Bank Muamalat Pekanbaru City.

Primary data and secondary data obtained from normative juridical and empirical juridical approaches were analyzed using qualitative methods (Sudarto, 1995; Mukhti & Achmad, 2009). Qualitative analysis was carried out by taking into account the facts in the field and combined with secondary data obtained from library materials. The results of the analysis will be presented descriptively, namely describing and explaining the data found in the study so that a descriptive-qualitative description of the research results is obtained (Sudarto, 1995; Mukhti & Achmad, 2009). This qualitative descriptive study aims to describe what is currently happening. In it there are attempts to describe, record, analyze and interpret conditions that are currently happening or exist. In other words, this qualitative descriptive study aims to obtain information about the existing situation (Mardalis, 1999).

III. Discussion

3.1 1. Legal Construction for the Establishment of a Special Sharia Economic Court in the Religious Courts 1945 Constitution

Countries generally have a text called a constitution or constitution. Even a country that does not have a single constitutional text like the UK still has rules that grow into a constitution. The development of constitution and constitutionalism can be traced to the civilizations of Islamic countries. When the Europeans were in a state of darkness in the Middle Ages, in the Middle East a new civilization grew and developed rapidly within the adherents of Islam. Under the influence of the Prophet Muhammad SAW, many new innovations in human life were developed to advance civilization (Riyanti, 2020).

The definition of construction can be defined as the arrangement (model, layout) of a building (bridges, houses, etc.) (Language Center, 2005). Several definitions of construction based on the context need to be distinguished on the basis of: process, building, activity, language and planning. Construction in the context of its relationship with this research has the meaning of a form, procedure or more broadly the legal basis for forming a special sharia economic court within the Indonesian Religious Courts.

The 1945 Constitution is the constitutional basis for the life of the nation and state. Thus, when the idea arises to establish a sharia economic court as a special court within the Religious Courts, the first thing that needs to be explored is the constitutional basis originating from the 1945 Constitution. Article 24 of the 1945 Constitution says:

- (1) Judicial power is an independent power to administer justice in order to uphold law and justice.
- (2) Judicial power is exercised by a Supreme Court and judicial bodies under it within the General Courts, Religious Courts, military courts, and state administrative courts and by a Constitutional Court.
- (3) Other bodies whose functions are related to judicial power are regulated by law.

Based on Article 24 paragraph (1) of the 1945 Constitution: Judicial power is an independent power to administer justice to uphold law and justice. Independence or independence has become an inherent and even one of the characteristics of judicial power, as alluded to by Bagir Manan (2009) regarding judicial power, that:

- a. Judicial power is an independent body free from interference from other powers
- b. The relationship between judicial power and other state equipment reflects the principle

of separation of powers rather than the division of power.

Article 24 paragraph (3) of the 1945 Constitution states that "Other bodies whose functions are related to judicial power are regulated by law." This article regulates the existence of special judicial bodies. Within the judicial power, there are 4 (four) judicial environments, namely the General Court, Religious Court, Military Court and State Administrative Court. Matters of a technical nature will refer to the laws governing judicial power, the Supreme Court and the Constitutional Court, and/or other laws. Courts in the four judicial circles under the Supreme Court are distinguished according to the substance of the applicable law and the legal subjects they serve.

The construction of the establishment of a special sharia economic court within the Religious Courts is guided by the 1945 Constitution which clearly limits the existence of four judicial environments in Indonesia. So that various forms, types and variants of special courts must be in one of the judicial environments mentioned in the constitution. This means that a court formed without being placed in a judicial environment must be declared unconstitutional, so that it cannot carry out the functions of judicial power as referred to in the 1945 Constitution. So that the special sharia economic court within the Religious Courts fulfills the constitutional aspect.

3.2 Judicial Power Act

The division of absolute authority of each judiciary is confirmed by Law Number 48 of 2009 concerning Judicial Power, as follows:

- (1) The General Court has the authority to examine, hear, and decide on criminal and civil cases in accordance with the provisions of laws and regulations (Article 25 paragraph (2))
- (2) The Religious Courts have the authority to examine, adjudicate, decide, and settle cases between people who are Muslim in accordance with the provisions of the legislation (Article 25 paragraph (3))
- (3) The military court has the authority to examine, hear, and decide cases of military crimes in accordance with the provisions of laws and regulations (Article 25 paragraph (4))
- (4) The state administrative court has the authority to examine, hear, decide, and resolve state administrative disputes in accordance with the provisions of laws and regulations (Article 25 paragraph (5))

The position of special courts has been further emphasized by the ratification of Law Number 48 of 2009 concerning Judicial Powers replacing Law Number 4 of 2004. This law limits the understanding of special courts, as stated in Article 1 point 8, namely courts that have the authority to examine, hear, and decide on certain cases which can only be formed in one of the judicial bodies under the Supreme Court which is regulated by law, in addition, there may be ad hoc judges on duty in special courts. Then Article 27 paragraph (1) and paragraph (2) of Law Number 48 of 2009 concerning Judicial Power states:

- (1) A special court can only be established in one of the courts under the Supreme Court as referred to in Article 25.
- (2) Provisions regarding the establishment of a special court as referred to in paragraph (1) shall be regulated by law.

Based on the description above, the formation of a special sharia economic court within the Religious Courts is in accordance with the fulfillment of aspects in the law on Judicial Power.

3.3 Religious Court Law

Changes to the Law on Religious Courts are marked from Law Number 7 of 1989 concerning the Religious Courts then Law Number 3 of 2006 as a replacement for Law Number 7 of 1989 concerning the Religious Courts and the last is Law Number 50 of 2009 the second amendment on Law Number 7 of 1989 concerning the Religious Courts in order to accommodate all aspirations adapted to the conditions or circumstances of the Muslim community.

There is an increase in the authority of the Religious Courts in examining, deciding and resolving sharia economic disputes as referred to in Article 49 letter i of Law Number 3 of 2006 concerning amendments to Law Number 7 of 1989 concerning Religious Courts along with provisions in the Religious Courts environment, specialization may be held court regulated by law. The opportunity for the formation of a special court within the Religious Courts in Law Number 3 of 2006 is found in Article 3A. The establishment of a special court is reaffirmed in Law Number 50 of 2009 the second amendment to Law Number 7 of 1989 concerning the Religious Courts, Article 3A Paragraphs (1), (3) and (4) reads:

- (1) Within the Religious Courts, a special court may be established which is regulated by law
- (2) Sharia Courts in the Province of Nangroe Aceh Darussalam..."
- (3) In special courts, ad hoc judges may be appointed to examine, hear, and decide cases, which require expertise and experience in certain fields and within a certain period of time.
- (4) Provisions regarding the terms, procedures for the appointment and dismissal as well as allowances for ad hoc judges are regulated.

The explanation: "that what is meant by special courts is the existence of differentiation/specialization within the Religious Courts where special courts can be formed". A special court is a court that has the authority to examine, hear, and decide on certain cases which can only be established in one of the judicial bodies under the Supreme Court as regulated by law (Law Number 48 of 2009 concerning Judicial Power).

Law Number 50 Year 2009, Article 3A is inserted with a new article, namely Article 3A Paragraph (3) which reads: "At special courts, ad hoc judges may be appointed to examine, hear and decide cases that require expertise and experience in certain fields and within a certain period of time certain". In his explanation it was stated: "That the purpose of the appointment of ad hoc judges is to assist the settlement of cases that require special expertise, such as "Islamic banking crimes". Ad hoc judges are temporary judges who have expertise and experience in certain fields to examine, hear and decide on a case whose appointment is regulated by law (Article 1 point 8 of Law Number 48 of 2009 concerning Judicial Power).

The provisions for the appointment of ad-hoc judges within the Religious Courts are reaffirmed in Article 13B of Law Number 50 of 2009 concerning the Second Amendment to Law Number 7 of 1989 concerning Religious Courts, namely:

- (1) To be appointed as an ad hoc judge, a person must meet the requirements as referred to in Article 13 paragraph (1), except for letter e and letter f.
- (2) The prohibition as referred to in Article 17 paragraph (1) letter c remains in effect unless the law provides otherwise.
- (3) The procedure for implementing the provisions of paragraph (1) shall be regulated in laws and regulations.

According to Hamdan Zoelva, one of the constitutional aspects of each special court must be located or placed in one of the judicial environments within the General Courts, Religious Courts, Military Courts or State Administrative Courts which can be said to meet

constitutional principles. In this case, the special court as a sub-judicial system must be included in the system framework outlined by the constitution, so that the resolution of all cases culminates in the Supreme Court. This is in line with the chamber system that has been implemented by the Supreme Court of the Republic of Indonesia (Judicial Commission of the Republic of Indonesia, 2013).

The 1945 Constitution after the amendment also gave strict limits on the existence of four judicial environments in Indonesia. So that various forms and types of special courts must be in one of the judicial environments referred to in the constitution. Courts that are formed without being placed in one of the judicial environments must be declared unconstitutional, so that they cannot carry out the functions of judicial power as referred to in the 1945 Constitution placed in the Religious Courts. The following is an outline of the legal construction for the establishment of a special sharia economic court within the Religious Courts.

3.4 Important Factors for the Establishment of a Special Sharia Economic Court in the Religious Courts in Indonesia

In connection with the legal system in Indonesia in terms of "structure, substance and culture" of the Religious Courts environment in accepting, examining and deciding sharia economic disputes, it is necessary to make a breakthrough in the form of establishing a special sharia economic court within the Religious Courts. The importance of this breakthrough is intended to obtain the function of the judiciary as a place to resolve legal issues so that they do not develop into conflicts that endanger public security and order (Rahardjo, 2009). This is because almost 12 (twelve) years have passed, the Religious Courts are given absolute authority to handle sharia economic cases, but have not yet won the trust of the sharia economic community to resolve sharia economic disputes. The Religious Courts have not gained the trust of the public, especially sharia economic actors because in deciding sharia economic disputes, justice and the time and costs incurred are quite large (ineffective) (Rahardjo, 2009).

The lack of sharia economic cases registered in the Religious Courts is due to the fact that sharia economic actors, especially sharia banking, are reluctant to take their disputes to the Religious Courts because the Religious Courts have almost exclusively handled family law cases, even sharia economic actors, especially from sharia banking, are reluctant to come to the Religious Courts to register lawsuits. Islamic economics, this is influenced in the settlement process, they join the waiting room and court room with family cases. Judges of the Religious Courts tend to be slow to explore Supreme Court regulations regarding sharia economics, which are technically complex and challenging. Sharia economic disputes that have been decided by the Religious Courts are seen as not providing benefits and justice for the interests of the community of sharia economic actors because in the implementation of sharia economic dispute resolution there is still legal uncertainty.

The examples of sharia economic dispute decisions that do not contain legal certainty are obtained from the results of the research, namely: settlement of sharia economic disputes submitted through BPSK, the effect on the decision of the Consumer Dispute Resolution Agency who is not satisfied, then the parties can take legal remedies through the District Court again. For example, sharia economic cases that are still being submitted to the District Court are: Case Number 88/PDT-Sus/BPSK/2016/PN.BKN between Bank Syariah Mandiri Panam Sub-Branch Office and its customer named Sawin Haryono, Case Number 89/PDT-Sus/BPSK /2016/PN.BKN between Bank Syariah Mandiri Panam Branch Office and its customer named Rubiyanto, Case Number 90/PDT-Sus/BPSK/2016/PN.BKN between Bank Syariah Mandiri Panam Branch Office and its customer named Tri Agus Hariyanto, Case Number 92 /PDT-Sus/BPSK/2016/PN.BKN between Bank Syariah Mandiri Panam Branch

Office against a customer named Ahmad Sayuti.

To meet the need for the settlement of sharia economic disputes, especially sharia banking in accordance with sharia principles, it is necessary to create a special sharia economic court within the Religious Courts by appointing ad-hoc judges who have expertise in sharia economics, for the following reasons:

- a. Taking into account the cases above, the legal uncertainty regarding the settlement of sharia economic disputes is still ongoing which without improvement will have an impact on the distrust of sharia economic actors towards the Religious Courts institution which is currently entrusted with the mandate as the institution authorized to settle them.
- b. The special sharia economic court within the Religious Courts aims to realize efficiency for the benefit of the community, in examining and deciding sharia economic cases has a time limit, the period for the registration process, examination and decision at the first level is 60 days, the appeal period at the Supreme Court is 60 days. and to decide on an application for judicial review at the Supreme Court is 60 days. The specialty of this sharia economic court does not recognize appeals. The limitation of examination time is to fulfill the principle of fast case settlement, in addition, because the sharia banking system which is a form of sharia economy is part of the world financial sector so that special handling is needed.
- c. The establishment of a special sharia economic court was also marked by the appointment of ad-hoc judges. The existence of ad-hoc judges is relevant to be formed within the Religious Courts, the practice of handling cases shows that in certain fields special expertise is still needed in order to balance the ability of career judges. The appointment of ad hoc judges is to strengthen the role and function of judicial power in enforcing law and justice in line with the complexity of existing cases. If the Religious Courts environment has the provision of competent human resources and is recognized by sharia economic stakeholders in Indonesia, it will open up opportunities to place the sharia economy, especially sharia banking in Indonesia as the largest retail Islamic bank in the world with the construction of the reason that Indonesia has judges specializing in economic law. Most of the shariah are able to solve sharia banking cases, this is where the state's advantage lies.
- d. The establishment of a special sharia economic court fulfills constitutional aspects. The realization of the establishment of a special sharia economic court within the Religious Courts by fulfilling the four aspects above can provide public confidence in sharia economic actors to the Religious Courts so that by itself strengthens the Indonesian national legal system. Building the justice system in Indonesia, the fundamental thing that must be done is to focus on legal reorganization and restructuring that is proactive, professional and aspirational towards both the development of the legal needs of the national and international community (Sunarmi, 2010).

With respect to the Religious Courts, legal reorganization is oriented towards restructuring legal materials and law enforcement processes. The reorganization of legal materials is aimed at all products of sharia economic law and national laws and regulations which are considered no longer relevant to the development of the needs of the national community, especially the needs of sharia economic development. In that context, it is necessary to reconstruct the codification of sharia economic law products that are comprehensive and have a strong legal umbrella, which is the basic reason why comprehensive legislation of sharia economic law is very important to strive for. The compendium that currently exists, namely the Book of Sharia Economic Law (KHES) issued by the Supreme Court also cannot be used as an adequate reference, because it is still limited

to a Supreme Court regulation and has not been included in the legal hierarchy. Moreover, the existence of the Compilation of Islamic Law (KHI) which was first born, is constitutionally still very weak, because its existence is only as an Inpres (Presidential Instruction). Therefore, a stronger legal regulation is needed which can be a reference for judges in deciding various legal issues. For this reason, we need to formulate the Codification of Islamic Economic Law and KHI into one, as made by the Ottoman government named Al-Majallah Al-Ahkam al-Adliyah which consists of 1851 articles (Agustianto, 2016).

The relevance of the establishment of a special sharia economic court within the Religious Courts for the national legal system in Indonesia is in the context of completing and perfecting the work of judges in the community, so that the community of sharia economic actors gives confidence to the Religious Courts in resolving sharia economic disputes. The establishment of a special sharia economic court within the Religious Courts is in line with legal development in the National Long-Term Development Plan (RPJP) 2005-2025 which is directed to support the realization of sustainable economic growth, regulate issues related to the economy, especially the business world and the industrial world, as well as create investment certainty, especially law enforcement and protection (Manan, 2012).

IV. Conclusion

The legal construction for the establishment of a special sharia economic court is placed within the Religious Courts and culminates in the Supreme Court of the Republic of Indonesia. The establishment of a special sharia economic court is constitutionally based on Article 24 paragraph (2) of the 1945 Constitution, using the provisions of Article 1 number 8 and Article 27 paragraph (1), paragraph (2) of Law Number 48 of 2009 concerning Judicial Power and Article 3A Law Number 3 of 2006, affirmed Article 3A paragraphs (1), (3) and 13B paragraph (1) of Law Number 50 of 2009 concerning the Second Amendment to Law Number 7 of 1989 as the legal basis.

References

- Ali, M. D. (2012). *Hukum Islam, Pengantar Ilmu Hukum dan Tata Hukum Islam di Indonesia*. Jakarta: Rajawali Press.
- Arifin, J. (2008). *Peradilan Agama dalam Bingkai Reformasi Hukum di Indonesia*. Jakarta: Prenada Media.
- Asikin, Z. (2004). *Pengantar Metode Penelitian Hukum*. Jakarta: Raja Grafindo Persada.
- Batubara, M.U., Lubis, L., and Kholil, S. (2019). Islamic Communication Pattern of Judges in Dealing Conflict of Muslim Families in the Religious Court Medan. *Budapest International Research and Critics Institute-Journal (BIRCI-Journal) Vol 2 (1): 373-386*.
- Decision of the Constitutional Court of the Republic of Indonesia Number 93/PUU-X/2012.
- Djumhana, M. (1999). *Hukum Perbankan di Indonesia*. Bandung: Citra Aditya Bakti.
- Haque, M.G. (2021). Micro Financial Sharia Non-bank Strategic Analysis: a Study at BMT Beringharjo, Yogyakarta. *Budapest International Research and Critics Institute-Journal (BIRCI-Journal) Vol 4 (2): 1677-1686*.
- Komisi Yudisial Republik Indonesia. (2013). *Putih Hitam Pengadilan Khusus*. Jakarta: Pusat Analisis dan Layanan Informasi Sekretaris Jenderal Komisi Yudisial.
- Law of the Republic of Indonesia Number 48 of 2009 concerning Judicial Power.
- Law of the Republic of Indonesia Number 7 of 1989 concerning Religious Courts.
- Law of the Republic of Indonesia Number 17 of 2007 concerning the National Long-Term Development Plan of 2005-2025.

- Law of the Republic of Indonesia Number 3 of 2006 concerning Amendments to Law Number 7 of 1989 concerning Religious Courts.
- Law of the Republic of Indonesia Number 48 of 2009 concerning Judicial Power.
- Law of the Republic of Indonesia Number 50 of 2009 concerning the Second Amendment to Law Number 7 of 1989 concerning Religious Courts.
- Manan, A. (2012). *Hukum Ekonomi Syariah: Dalam Perspektif Kewenangan Peradilan Agama*. Jakarta: Kencana.
- Manan, B. (2009). *Menegakkan Hukum: Suatu Pencarian*. Jakarta: Asosiasi Advokat Indonesia.
- Mardalis. (1999). *Metode Penelitian Suatu Pendekatan Proposal*. Jakarta: Bumi Aksara.
- Mujahiddin, A. (2007). *Peradilan Satu Atap di Indonesia*. Jakarta: Refika Aditama.
- Mukti, F. N. D., & Achmad, Y. (2010). *Dualisme Penelitian Hukum Normatif & Emperis*. Yogyakarta: Pustaka Pelajar.
- Pusat Bahasa. (2005). *Kamus Besar Bahasa Indonesia*. Jakarta: Balai Pustaka.
- Riyanti, R. (2020). *Pemilihan Umum Anggota DPRD Di Jawa Tengah Berbasis Keadilan Gender Tahun 2014*. Disertasi, Program Studi Ilmu Hukum Sekolah Pascasarjana Universitas Muhammadiyah Surakarta.
- Soekanto, S., & Mamudji, S. (1985). *Penelitian Hukum Normatif, Suatu Tinjauan Singkat*. Jakarta: Rajawali.
- Soemitro, R. H. (1990). *Metodologi Penelitian Hukum*. Jakarta: Ghalia Indonesia.
- Sudarto. (1995). *Metode penelitian Filsafat*. Jakarta: Raja Grafindo Persada.
- Zahara, F. (2020). *The Analysis of Maqashid Syariah on the Use of Fiat Money and Dinar Dirham*. *Budapest International Research and Critics Institute-Journal (BIRCI-Journal)* Vol 3 (2): 1216-1226.